

Notice of Allowability	Application No.	Applicant(s)	
	10/007,522	EBISAWA, KAN	
	Examiner	Art Unit	
	Romain Jeanty	3623	<i>NW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 100404.
2. ☒ The allowed claim(s) is/are 1,53-143 and 284-289.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

**ROMAIN JEANTY
PRIMARY EXAMINER**

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In the Specification:

Page, before line 1, insert -- This application is a continuation of 09/384,894, now abandoned, which is a continuation of 08/672,116, now U.S. Patent No. 5,946,664--.

In the claims:

Claim 1, line 9, delete "the", and insert --an--.

Claim 68, line 11, delete "the", and insert --an--.

Claim 83, line 8, delete "the", and insert --an--.

Claims 99, 114 and 129, line 10, delete "the", and insert --an--.

Claims 2-52, and 144-283 have been canceled.

Authorization for this examiner's amendment was given in a telephone interview with Bruno Polito on October 4, 2004.

Allowable Subject Matter

2. Claims 1 and 53-143, and 284-289 are allowable.

Reasons for Allowance

3. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

This instant application is directed to an apparatus and method for executing an executable program displaying data having advertisements. The closest prior art is UK Patent Application 2141907A to Gilmore and U.S Patent No. 5,740,549 to Reilly. The combination of Gilmore and Reilly teaches video games with advertising facility and an advertisement distribution system. But Gilmore and Reilly do not teach executable program for outputting display data incorporating the new advertising data in said storage/memory within an originally displayed plurality of images generated by said executable game program as recited in independent claims 1, 83, 114.

This instant application is directed to an apparatus and method for executing an executable program displaying data having advertisements. The closest prior art is UK Patent Application 2141907A to Gilmore and U.S Patent No. 5,740,549 to Reilly. The combination of Gilmore and Reilly teaches video games with advertising facility and an advertisement distribution system. But Gilmore and Reilly do not teach executable program for outputting display data incorporating selected advertisements identified in said new advertising selection data at respective times within an originally displayed plurality of images generated by said executable game program as recited in independent claims 68, 99, 129.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dialog "Ads Begin To op Up IN CD-ROMs, Games; Ads begin in Video & Games and CD-ROM" discloses the idea of displaying advertising on consumer video games.

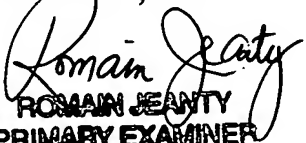
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJ

November 4, 2004


ROMAIN JEANTY
PRIMARY EXAMINER
Art Unit 3623